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Martha's Vineyard Commission

Land Use Planning Committee

Notes of the Meeting of March 16, 2009

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 P.M.

Commissioners Present: Linda Sibley (Chair); Pete Cabana; Christina Brown; Jim Powell; Jim Athearn; John Breckenridge; Doug Sederholm; and Andrew Woodruff..

MVC Staff Present: Paul Foley; Mark London; Christine Flynn.

1. Muckerheide (DRI 618) Continued Post-Public Hearing Review

Applicant: Violet Realty Trust, Donald N. Muckerheide (Trustee)

Project Location: 114 and 116 Dukes County Ave. Oak Bluffs, MA Map 17 lots 22 and 24.1
(0.15 + 0.12 = 0.27 acres total)

Proposal:

- The proposal is to demolish the entire existing structure and build a single new 12,276 sf (66' x 62' x 3 stories) building with twelve (784 sf) two-bedroom units.
- The units are to be sold for no more than \$350,000 per unit.
- The Applicant submitted an alternative sketch prior to the close of the public hearing based upon comments from Mark London that would recess the center of the building and make the building appear to be more like two separate buildings with gable roofs instead of one mansard.

Discussion:

- Chairman Sibley thanked Mr. Muckerheide for being here. She understands it is frustrating to listen to people discuss your project, sometimes critically. The MVC is required by law to discuss the benefits and the detriments. In general as part of the process commissioners will sometimes raise perceived detriments that they do not believe are detriments but feel must be on the record.
- The project has been sent back from the full commission. She is not a mind reader but it would appear that the commission did this in order to try to get to yes.
- Commissioner Breckenridge said he would like to point out that it was a 5-4 vote to bring the project back to LUPC so he thinks that there is not a clear message.
- The Staff then reviewed the offers and conditions contained in the paperwork.
- Mark London noted that a possible condition for plan B has been reviewed by MVC Counsel and is included here.
- Commissioner Breckenridge said there was one clarification that he thought we were going to use the language about coming back to LUPC before site work, demolition, and/or construction begins and that it should be added to possible condition 3.4
- Mark London suggested that perhaps "or any site work" should be added after "building Permit" in 3.4.

- Chairman Sibley said that she had requested that Counsel review the possible wording for a condition on Plan B. It is reasonable for Applicants to not want to pay for architects until they are approved but we need some assurance that we are not approving something we do not understand. As long as we are specific about what we want in the design and the applicant understands it then it is okay. This is why 3.3 (preliminary architectural plans) should come back to the LUPC before he expends a lot of money.
- Commissioner Breckenridge said that Don said the new plan would have the same details as the first I do not see that the windows have six over six. They look like two over two.
- Mark London added that there was also some talk about schematic plans. There was an elevation that was done by an architect. It is similar to the situation that we had with the hospital where we let them submit the architectural detail plans later.
- Mark added that he and Paul Foley had talked to the building inspector and he said that both plans could be done. Paul talked to the Applicant's code expert and he said it could be done with some small modifications.
- Chairman Sibley said that Plan B involves setting back the central portion of the building 10' from the façade. The purpose is to break up the building into two masses so that it does not look like one huge building. After more description shed added that this is a representation of how it could work. Not that it has to work like this.
- The dimensions would stay the same.
- The design has not been more refined because the record is closed.
- A few commissioners said it would be nice if we had more information about what it would look like.
- Chairman Sibley said we are in a bit of a conundrum. We could not get a majority to agree to plan A. So we have to guess that there might be a possibility to approve plan B. We can't know for sure. We are mind reading based on the vote and what people said and there concerns about the massing. It seemed as though an elaboration of plan B was something that could be approved because it is more like the existing buildings in the area. If you push the connection of the building back it looks more like the rest of the neighborhood. It is important that the apparent massing is not as looming.
- Commissioner Sederholm said he felt the massing could be reduced if the number of units on the third floor was reduced from 4 units to 2. I do not see how this will make it look any smaller. I don't know how he will get that number of units in there if we go with plan B. Even with this design it will be massive and he still thinks it is difficult to see exactly what this is going to look like.
- Commissioner Breckenridge noted that Mr. Sederholm used the word "imagining" which brought things into focus for him. We imagined what the golf nets would look like. We imagined what the Sea View condos would look like. He is very nervous about imagining what it is going to look like.
- Commissioner Woodruff said that there are two things he is struggling with. The building got larger from around 9,000 sf to over 12,000+ sf. There has not been any professional representation of what this is going to look like. He would like to see a re-opening of the public hearing in order to see more work on the design.

- Don Muckerheide responded that from the original plan to Plan A he is losing about 3,500 sf of existing building. The loss of the existing space plus the cost of demolition is going to end up costing about \$400,000.
- Chairman Sibley felt that we can reduce the block of the upstairs and only slightly impact the useable floor space. If the part of the upstairs which is fully within the peak is done well it is almost totally useable.
- Commissioner Sederholm asked how long the dormers are? If they went along the city of Cambridge guidance they say that they should not be in excess of 15 feet in length each.
- Mark London added that the guidelines say that in general either 15' or half the length of the building whichever is shorter. We wouldn't necessarily have to limit it to that.
- Commissioner Athearn said we are assuming that Mr. Muckerheide is willing to build Plan B. If he is not willing then we are wasting our time. Mark is an architect and he is doing our imagining for us. My point is that we have detailed information about how it will be used and made. Now we are discussing how we are going to deal with the details of how we dress it up to look better. I repeat that I don not have a problem with the mass. Again we have not heard from the masses with any major problems from the neighborhood about the mass.
- Commissioner Sederholm said that we heard from a couple at the last hearing.
- Commissioner Brown said that we know that the neighborhood will change. We had Bradley Square down the street. We know others will expand. Can we articulate why we are looking at the mass and the architecture? From a regional point of view this mass does not bother her because it is a business district in which they voted that buildings could be 35 feet high. We need to articulate why we are doing it in the regional context. She hopes we are not saying nobody can build anything that is not like anything else that is already there.
- Chairman Sibley said that if you have two 15' dormers that give you the setback that will make this look less massive. If the corridor connects then you do not need more room.
- Commissioner Sederholm said he has his doubts. He would like to see an elevation. He has never seen a building of this size that we have had such a lack of data.
- Commissioner Woodruff reiterated that staff did a good job describing the neighborhood. There are few neighborhoods like this left on the island. We are just a few blocks from the campgrounds here. To him there has to be a benefit to build something this big such as permanent restrictions for affordability. The restrictions went out and the building got bigger.
- Commissioner Athearn felt that we are trying to set conditions that allow people an option. When we vote often times people on both sides of the issue will add conditions that make the project so it could work. Often people who do not vote for something have added a number of conditions.
- Commissioner Woodruffs said he feels uncomfortable playing architect. He appreciates what Mark did in the 11th hour but he does not feel that this is clear enough.
- Commissioner Sederholm asked what if he comes back and he says this is as close as we can get. We really don't know what it is going to look like. If he could see what is going to be built he would feel a lot better about it.

- Commissioner Woodruff added that getting a foot in the door does have its advantages. He asked if the commissioners could request Mark to make a sketch with the plan B conditions.
- Mark London said he had consulted MVC Counsel if staff could do some 3d modeling and he was not comfortable with that. Chairman Sibley took some exception to that advise.
- Commissioner Cabana said he thinks at a minimum that we should have an architectural drawing of the front and all four sides and that we should not vote on it until we see that. He added that he doesn't know how we can look at one sketch and words and make a decision.
- Commissioner Breckenridge noted that the written word and facts can turn out to be two different things. He would hope that Don would consider temporarily withdrawing this plan so that he could come back with more detailed sketches.
- Chairman Sibley asked if he was suggesting that we should re-open the public hearing.
- Commissioner Breckenridge said he could be influenced if he saw more
- Chairman Sibley said we cannot accept a new plan without re-opening the public hearing. She added that she could vote for this thing if the Applicant could do this Plan B with the roof. She felt that we can do this without more detailed artistic rendering.
- Commissioner Sederholm said that if he could see all four elevations it would improve the chances of getting his vote.
- Commissioner Breckenridge said that he would keep an open mind but he wanted to hear from the applicant which plan is in front of us, Plan A or Plan B.
- Mark London notes that the applicant has said quite clearly that he prefers Plan A but he is willing to go with Plan B.
- Commissioner Athearn said that you might reasonably project that we have a tie with one swing vote. He asked the Applicant if he was interested in reopening
- Don Muckerheide said he felt that the mansard is better. You cannot hide a big building with a dormer. The solar panels will be lost. He said he thinks you are making it uglier by the minute. You can build to 55' if it is architecturally old. He said that his building is not much bigger as the original Bradley One building you approved at Bradley Square. He added that the historical commission describes the mansard as elegant.
- Commissioner Athearn said he thinks that there are barely three votes for the mansard. He personally does not mind the mansard but it does not appear to have the votes. We asked at the last meeting who could vote for the mansard and there were 4 votes.
- Chairman Sibley said that is one short of approval. Her question is whether any of the people who voted for the mansard would vote against Plan B.
- Commissioner Breckenridge asked how concerned commissioners are with the solar collectors. It sounds as if we would be able to reduce the height of the building down to 30 feet without them. Keep in mind we do not have a guarantee on the solar collectors.
- Commissioner Athearn said he does not mind seeing the solar collectors.
- Commissioner Breckenridge said that his whole issue has always been the 34 feet height. If it was 30 feet I would be more likely to vote for the project.
- Chairman Sibley asked the Applicant to respond to the question if he was interested in re-opening for the purpose of preparing some more informative sketches of what Plan B would look like.

- Mr. Muckerheide replied that he can guarantee you that he will never be back to the MVC.
- Chairman Sibley said that either he can ask us to re-open the public hearing or we can open it if we feel that something in front of us is tantalizing that we need more information.
- **James Athearn moved that the LUPC recommend to the full commission to reopen the public hearing for the purpose of receiving more information on the building design. The motion was duly seconded by Peter Cabana.**
- Commissioner Athearn added that the other option is to lower the height of the mansard roof.
- Chairman Sibley said that we should define this reasonably narrowly. He should understand that we are not asking for a whole new set of plans.
- **The LUPC voted unanimously to re-open the public hearing for the purpose of receiving more details on the plans.**
- Chairman Sibley asked the Applicant to please bare with us and that we are trying to get to yes.